NO FURTHER NEGOTIATIONS BE-TWEEN MINERS AND OPERATORS.

Mitchell and Associates Will Not Be Granted an Interview by Presidents of the Coal Roads.

CONFERENCES FOR NAUGHT

SUDDEN TERMINATION OF THE MEETING AT WASHINGTON.

MacVeagh, Mitchell, Darrow and Wright Conferred All Day to

No Purpose.

SHORT MESSAGE FROM MR. BAER

FOLLOWING A MEETING OF PRESI-DENTS OF COAL ROADS.

Workers' Union Scored in Statement Issued by Independent Operators.

WASHINGTON, Nov. 25 .- All prospects for an understanding between the United Mine Workers and the coal operators outside the anthracite coal strike commission came to a sudden termination late this afternoon through the receipt of a dispatch to Mr. Wayne MacVeagh, representing the Pennsylvania Coal Company and the Hillside Coal and Iron Company, notifying him that at a meeting of the anthracite coal road men in New York to-day it had been decided not to grant an interview to Mr. Mitchell and his associates, which had been suggested for Friday next. The announcement, coming as it did after an all-day's conference in this city between Mr. Mac-Veagh and Mr. Mitchell and his associates, attended part of the time by Carroll D. Wright, in an endeavor to adjust some details of the proposed agreement between the operators and the miners, completely surprised every one here.

the proposition that the operators meet Mr. Mitchell on Friday next was made at the instance of Mr. MacVeagh, who was no less surprised than Mr. Mitchell him- criminated against Cuban apprentices, the self at the turn affairs took to-day. From | fact being that the company's books statements made by Mr. Darrow early in | showed that over 90 per cent. of its apprenthe day the impression had spread that | tices were Cubans. The company would a complete agreement would be effected | maintain and even increase this ratio, but at to-day's conference, but when the meet- it refused to treat with the Central Labor ing broke up Mr. Darrow read to the news- Union in matters pertaining to its empaper men in the corridor outside his room | ployes. The officials said that they always in Willard's hotel a statement which made | were willing to meet a committee made up it clear that no final agreement had been of workers from their factories and they reached, and that no further conferences were likely. The statement was as fol-

"The conference to-day was simply a continuation of the conferences held at Scranton and with precisely the same object-that of trying to reach a basis of hopeful discussion for an amicable settlement. Mr. MacVeagh has not been in Scranton since Thursday, and some matters developed as to which a further conference might be useful before either the operators or the representatives of the miners approach the serious task of formulating a definite agreement for their signa-

tures."

Mr. Mitchell, when shown the dispatch from New York telling of the action of the operators, simply smiled and said that he had not asked for the conference, but that when it was suggested to him if it would be agreeable to meet the operators he said it would. Mr. Darrow and Mr. Lloyd, however, were outspoken regarding the action of the operators. Mr. Darrow said it was would return at once to Scranton and on Tuesday next would appear before the commission ready to go on with the hearing. Mr. Lloyd, holding in his hand the dispatch from New York, referred to the fact that Friday's conference had been suggested in order to adjust some matters on which there was still some disagreement. "Yet," said Mr. Lloyd, "the same men who only last week wired the commission their assent to the general provisions of the tentative agreement, and upon the strength of which the commission adjourned for a week in order to give the parties time to get together, now go completely back on their former action and call it all off. We are satisfied to go before the commission and continue the hearing." Messrs. Mitchell, Darrow and Lloyd left here at 6:50 over the Pennsylvania Rail-

road for Scranton.

ACTION OF OPERATORS.

Protest by Independents Followed by Refusal to Meet Mitchell.

NEW YORK, Nov. 25 .- A serious hitch occurred to-day in the plans for a settlement of the coal controversy by conference between the coal operators and the miners' union, and it is now almost certain that the final adjustment of the points at issue will be referred again to the Gray commission. At a meeting between the presidents of the coal roads and a large number of the independent operators a strong treating directly with the miners. An invitation to meet Mr. Mitchell at Washington on Friday was declined peremptorily and it was agreed unanimously that, in the judgment of the operators, it was best for the present to go on with the hearing before the commission.

The protest of the individual operators was proposed at Scranton on Nov. 22. It was discussed in secret session here today and later given to the public. It fol-

"To Messrs. Baer, Thomas, Truesdale, Olyphant, Fowler and Walter, Presidents: "Gentlemen-The undersigned individual coal operators, whose product is carried over one or more of your respective roads. having learned that efforts are being made to effect a settlement of the questions now before the anthracite coal strike commission, of which the individual coal operators have been made a party, at the request of the commission and a number of your cor- | constitutional convention, the Governor, porations, beg leave respectfully to enter their vigorous protest against any such settlement to be made at this time, and set | three judges at the plaintiff's voting preforth the following among many reasons:

and perpetuate the injustice perpetrated by the United Mine Workers. Second-That such settlement would be, in the eyes of the public, a confession that we have heretofore been guilty of all the offenses charged against us by the said mine workers.

"Third-That we have, and believe that

you have, such a perfect and complete defense to the allegations made by the complainants before the commission that any money award the commission would render would be far less than the amount we understood that it is proposed to concede, especially to miners and their laborers. "Fourth-That, aside from any money considerations, this commission, composed as we believe, of men that are absolutely fair, unbiased and of unusual experience and good judgment, in their findings will make such declaration as will for many years put a ban upon unlawful practices, oppression of nonunion men, unjustifiable demands and other grievances that we have been suffering under since 1900, when the union first took possession of our property. If, on the other hand, this settle ment be made now, when not a single witness has been called on our part, or on your behalf, it will be an absolute and distinct surrender to the Miners' Union, and the troubles above referred to will not only be continued, but so magnified as to be absolutely unbearable.

REPEATED CHARGES DENIED. "The hearings before the anthracite coal commission furnish the first opportunity the operators have ever had of presenting their case before the general public, who are really an important third party, since abstracts at least of these proceedings are published all over the United States, and it is a duty that we owe to ourselves as well as to them to prove that the continued and repeated charges of injustice, barbarity and extortion are absolutely unfounded; all of which the individual operators, at

least, propose to do. "The case as presented already shows such weakness that we believe they were almost disheartened when these sugges-tions for a compromise were made. We believe that any surrender on our part, which would be practically what this compromise would amount to, would be by far the most serious mistake ever made in the anthracite coal business."

The statement is signed as follows: Clear Spring Coal Company, by J. L. Cake, gen-(CONTINUED ON PAGE 5, COL. 1.)

HAVINA CTRIVE PUREN HAVANA SIKIKE ENDED

CENTRAL LABOR UNION CONDEMNED BY GENERAL GOMEZ,

Who Told the Strikers They Were Revolutionists, and that He Was Ready to Fight Them.

HAVANA, Nov. 25 .- The Central Labor Union to-night decided to call off the strike and committees were appointed to inform the various unions of this decision. There probably will be a complete resumption of work to-morrow.

Much of the credit for the settlement of the strike is due to General Gomez, who headed the committee which consulted today the officials of the Havana Commercial Company, against whom the strike was From a reliable source it is learned that first directed. After the conference General Gomez and the majority of the committee expressed themselves as satisfied at the stand the company had taken. The offi- EFFECT OF SHORTER WORK DAY cials maintained that they had not disagreed to open the factories again if the

men returned to work. General Gomez and the committee afterwards met the Central Labor Union, and the old warrior did not spare words in his condemnation of the action of the union in calling out the workmen. He said it was a revolution, and not a strike, and that the war veterans stood ready to take up arms in support of the government in order to maintain order. That ended the strike as far as the Central Labor Union was concerned. It did not care to brave General Gomez's wrath, and word was sent out as soon as possible to have the men return to There may be some difficulty with the local unions, but the backbone of the strike is broken and to-morrow will undoubtedly see most of the laborers at work. The returns from the hospital give the ing of yesterday at 120, of which number four were seriously injured. Sixteen of those were wounded by bullets. The others are suffering from clubbing. Many of the but that the business men of the United persons wounded were not taken to the States have the right to protect themselves hospitals. Two strikers and one fireman were killed to-day as the result of a collision between a fire engine and an electric

OFFICIAL VOTES OF STATES.

Republican Plurality in Iowa 79,724-Wane of Prohibition Sentiment.

DES MOINES, Ia., Nov. 25 .- The State Canvassing Board has completed the head of the ticket, the vote on which is as fol-

Republican, 229,225; Democrat, 150,071; Pron, 9,876; Socialist, 6,360; scattering, ,804. Republican plurality 79,724, which is 3,905 less than last year. The Prohibition vote last year was 15,659, showing a heavy decrease, while the Socialist vote shows a heavy increase over last year, when 3,463 votes were polled. But ten counties of the ninety-nine went Democratic. Judge M. J. Wade, of the Second district, the only Democratic congressman elected, had 1,158 plurality. Birdsall, Republican, who was nominated to succeed Henderson, had 5,539

Washington 25,000 Republican. SEATTLE, Wash., Nov. 25 .- Complete official returns from every county in show that the average majority given Republican candidates was 25,000. Hadley, Republican, nominee for judge of the Supreme Court, leads his ticket with a majority of 26,862. The Republican candidates for Congress, who are elected at large, have pluralities over Cotterill, the highest Democrat on the ticket, as follows: Jones, 24,692; Cushman, 24,957; Humphrey, 24,042.

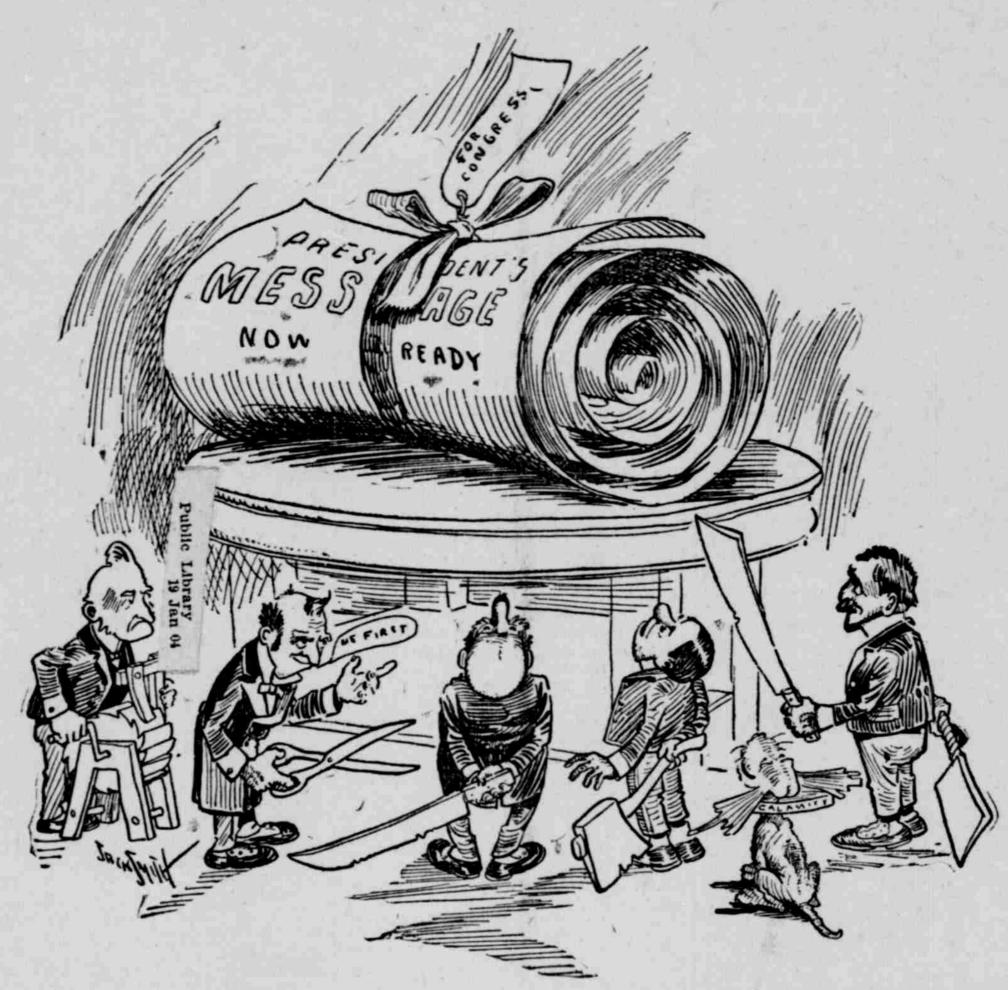
Missouri 44,695 Democratic. JEFFERSON CITY, Mo., Nov. 25 .- The State vote in the recent election was canvassed to-day by Secretary of State Cook. showing that Missouri went Democratic by a plurality of 44,695. As compared with 1900, the Democratic loss was 79,248 votes and the Republican loss 85,154.

WORK FOR LAWYERS.

J. S. Wise Paving the Way for a Multitude of Damage Suits.

RICHMOND, Va., Nov. 25.-John S. Wise, new Constitution, has taken steps for the throughout Virginia so that each negro who was denied registration under the suffrage clause may fill in as many as may be necessary and file them by his attorney in the nearest Circuit Court of the United States for that particular district of Virbringing suit for \$5,000 damages against every individual member of the the three members of the registration board which refused to register him and the Mr. Wise alleges conspiracy on put which is destroying England as a com-"First-We believe that such a settle- the part of the members of the constitu-

WHEN THE PIE IS OPENED THE BIRDS WILL BEGIN TO SING.



The Democrats will celebrate the opening in the usual way.

EIGHT-HOUR LAW CONDEMNED B MANUFACTURERS' PRESIDENT.

Speech by a Well-Known Indianapolitan Before the Pittsburg Chamber of Commerce.

BE RUINOUS TO THE INDUS-TRIES OF THE COUNTRY.

Demand of Labor Unions Must Be Met by Counter Organization, in the View of Mr. Parry.

Special to the Indianapolis Journal. PITTSBURG, Nov. 25 .- David M. Parry, of Indianapolis, president of the National Association of Manufacturers, was the guest of the evening here to-night at the annual banquet of the Pittsburg Chamber of Commerce, given at the Schenley Hotel. Mr. Parry responded to the toast, "The National Association of Manufacturers." ry declared that the National Association had no war against labor organizations, from what they consider vicious legislation, and that they propose to do so, no matter

what the cost. Mr. Parry said in part: "The eight-hour bill, which has passed upon any manufacturer contracting with the government for each and every employe who is permitted to work over eight hours a day. According to the proposed law, a man will not be allowed to work overtime for the benefit of his own family. The anti-conspiracy measure is simply a legalization of the 'picket' and 'boycott.' This bill was imported to this country from England and is two sections of an act entitled 'The Conspiracy and Protection of Property Act,' which passed the Parliament of Great Britain in 1875. . . . "The eight-hour bill is little understood by our business men, but an investigation of it will show that it means the quasiconfiscation of the establishments of a thousand or more of our manufacturers who are contracting with the government. Mr. Gompers, who fathers the bill, has frankly admitted before the House commiteight-hour day upon the entire country.

tee on labor that this proposed law is simply to be an opening wedge to force the 'It is manifestly true that if the hours of labor are to be shortened from ten to eight hours, that then 20 per cent. more men must be employed in order that there may be the same output. Inasmuch as the factory worker of to-day is simply an adjunct to a machine, then it follows that 20 per cent, more machinery must be purchased to keep up the output, and if this machinery is purchased then there must be 20 per cent. more floor space for the operation of the machinery and the work of the men who run them. It is a painful thing to tell an employer that he must go out and borrow 20 per cent. of his capitalization in order that such an academic law as this can be put in force.

WHAT MAY HAPPEN.

"The law is intended to apply immediately and most harshiy to the great shipbuilding and iron manufacturing plants. Mr. Gompers tells his followers that by some inscrutable working of economic law that they are to receive ten hours' pay for eight hours' work. He also argues quite properly that if such a law is put into effect that more men will be immediately employed. Accepting the latter proposieither the wages will be reduced or they will remain the same. If they are to be reduced, the workers don't want the law. If they are to remain the same, then the profit of a manufactured article will be changed to a loss, unless the manufacturer can increase the selling price of the product. If he increases the price, then he reduces the demand for it, for the people cannot buy as largely of a high-priced article as they can of a low-priced. Then, if the demand falls off, there will be a less demand for labor, and in a few years after the passage of such an absurd bill, the de-Inded advocates of this Socialistic measure will find themselves before the closed doors of the factory, reduced to bitter meditation as to the blessings of the shorter work

"The eight-hour bill is simply another

part of the programme of restricted out-

their ill-advised demands, have thrown England out of its proper economic relation with other countries, so that the power of the English manufacturer to advance is practically gone. Thus it seems to me that it becomes a matter of patriotism among employers of this country that they should desire to escape the fatal blunders which press so severely upon England. We can- JAMES JOHNSON FATALLY INJURED not evade the responsibility that is upon us. The watchword of the day is organization.

"This law must be opposed, not that we

are against the shorter work-day, but that the right to say how long men shall work is a right which belongs to private agreement between employer and employe, and we deny the justice of government endeavoring to regulate those matters which come within the province of individual adjustment. Mr. Gompers declares that he is organizing unions at the rate of one thousand per year. He declares that the programme will never be abandoned until every worker in the country is under the protection of trades unionism. We cannot stop this programme, and perhaps it would not be wise to attempt to do so. Therefore, it is evident that if we desire to retain the integrity of our so-called rights as employers, we also must organize for the maintenance of these rights. . . .

"Again, it is absolutely necessary that we organize because of the reason that the average business man is a child in the hands of a professional labor leader. These labor leaders in a sense are profound students of sociology and economics. They spend their days and nights in study and debate in connection with these questions. You cannot go to any city in this country but what you will find a dozen trades unionists who call themselves philosophic students of the labor question. These men talk glibly on the effects, beneficial or otherwise, of all the great economic movements which the several nations of the earth have had to meet.

EMPLOYERS MUST STUDY. "Previous to the factory system there was a time when there was a close relationship between employer and employe, but with the coming of the factory system, the His remarks were listened to with the most | average employer is further from those intense interest as he took up the question | who work for him than the sun is from of the relations between labor and capital the earth. He has not the time to interest and the attitude of the National Associa- himself in the individual welfare of his emtotal of persons wounded during the riot- tion in connection with the same. Mr. Par- ployes, and he knows not what they are doing, but, gentlemen, these employes are studying; they are mastering questions as to which many business men have only a limited knowledge. It may be that these labor leaders can see but the theoretical side of these questions, yet they can confront us with alleged facts and figures which we cannot deny on the spot because of our lack of patient investigation. . . "Gentlemen, we have no quarrel with orthe lower branch of Congress three times ganized labor, and we should have none. capital has the right to organize so have the men who work the same right to group themselves into unions for the purpose of collective bargaining. Therefore, it will not do for us to take the position any longer of ignoring the presence of organized labor. We cannot do it in safety if prosperous conditions in this country are to be maintained. Our position should be not that of destroyers of organization among men, bu rather that of commanding these organizations if they will but work harmoniously with economic law to fulfill the highest destiny of our republic. This destiny cannot reach its final fruition without organization among men.

"If we admit the right of corporate organi zation we cannot deny the right of labor organization. The duty, therefore, that is upon us is to endeavor to direct this movement along common sense lines. It certainly cannot be of value to our country that laws shall be placed upon the statute books which restrict the activities of men. This experiment has been tried in England,

and has proven disastrous. "The employers of the United States from coast to coast must find a means of joining hands, so that they can protect themselves from shortsighted laws which mean their undoing if placed upon the statute books. Organization should have no other and struck Johnson in the middle of the mission than that of wisely guiding the forehead, crushing the skull. Murray did economic forces which are gradually altering the system of our government. Labor the giant is awakening! It feels its strength -its power! The American free school system has awakened new desires, new aspirations, new ideals in the heart of the American youth. The standard of living de- another blow on Johnson's head after he manded in this country is higher than that | had fallen. Murray, after realizing what of any other land. Labor armed with giant strength, but defective knowledge of economic law is demanding its share of the cellar and walked to the rear of a house material things of this world. This giant about twenty feet away. He then turned can be led safely if its existence is recogpized, but if left to flounder around afmlessly in an effort to better its own condi- tounded by the crime and stood motiontion, we need not be surprised if wreckage shall follow in its footsteps. But if we meet this force among men-called organizationkindly, firmly, decently, asking no advantage which does not rightly belong to lice, and the City Hospital was also notius, but simply demanding that the problems which stagger us shall be calmly and in- to the hospital. The other workmen retelligently considered, then we shall be able | turned to their labors and seemed not into move forward without those violent dislocations which have so injured us in the past, to that point of supreme industrial de- | that Johnson had first approached him by velopment which should be the natural saying, "What in the — are you looking for down in that hole?" Pittman replied Among the other speakers at the quet were Congressman Dovener, of West | that the latter had better go away. John-Virginia; L. F. Loree, president of the Baltimore & Ohio Railroad Company; Joseph Ramsey, jr., president of the Wabash | the sidewalk. Johnson approached Murray Railroad, and Congressman-elect James and asked him what he was doing. With

or William Kennedy, of Allegheny. Negro Vagrants to Be Sold

LANCASTER, Ky., Nov. 25 .- Two negro women and one negro man will be sold by at cross-purposes. The trades unions, by in the Circuit Court

BY THOMAS MURRAY.

The Latter, While Working in a Cellar, Was Provoked by Johnson to

DEED WITNESSED BY SEVERAL

JOHNSON APPARENTLY WAS ANXIOUS

Murray Walked Away Before the Arrival of the Police-Both Men

James Johnson, a negro who recently

work and has not been captured. Indiana avenues. At this point he met George Wenzler, a pipeman at No. 1 engine house. Wenzler was riding a team ed across the street, walking south to Senate avenue. He saw the actions of the ler that the horses were "full of ginger." he was not recognized, turned and started to follow Wenzler. The latter continued middle of the square he saw Johnson talkloud talk. Johnson was leaning over the

USED PICK AS WEAPON. in his hand. Before any words could be Johnson with the middle, or blunt side. Johnson fell bleeding to the sidewalk. It he had done, threw the pick back in the and disappeared through an alley. W. Brown, of this city. Congressman Dal- out looking up Murray answered that he zell was toastmaster. During the day the was "digging out the cellar, and any nigger with sense could see it." This remark guests of honor were driven about the city and in the afternoon were given a luncheon at the Duquesne Club by ex-May- of profanity. Pittman said Murray dropped to the Boston. Johnson on the head.

garding Johnson. recently came to this city from Louisville the sheriff to the highest bidder before the | and has been working in one of the hotels courthouse on Friday, one for three months, as a waiter. Captain Kruger and Bicycle petitive commercial nation. The employers | the others for two and three years, respec- | Policemen Losh and Askins, who saw Johnment at this time, and upon the basis sug- tional convention and other defendants to and employes of that country are working tively. They were convicted of vagrancy son before he was taken away, said he ams, R. I., will be promoted to the va-

Commit the Assault.

TO PICK A QUARREL.

Are Colored.

came from Louisville, walked up Indiana avenue yesterday afternoon about 3:30 est possible importance and value. The o'clock intent on picking a quarrel. He met his wish when he accosted Thomas Murray, another negro working on an excavation at 327 Indiana avenue. Johnson, in order to arouse the anger of Murray, assailed him with vile epithets. In retaliation Murray grabbed a pick and struck Johnson on the forehead, crushing his skull. Johnson was taken in a dying condition to the City Hospital, where it was said that he could not live many hours. Murray, after striking Johnson, left his participate in the St. Louis exposition."

All the stories told by witnesses to the assault were to the effect that Murray's act was provoked by Johnson. The latter began his insulting remarks at Senate and horses. At the corner the horses began prancing as if feeling good. Johnson starthorses, and in a maudlin tone told Wenz-Wenzler, seeing that the man was intoxicated, paid no attention. Johnson, because up Indiana avenue to New York street, when he turned his horses and started to the engine house. When he arrived in the ing to a number of workmen employed in excavating a cellar for James L. Keach, at 327 Indiana avenue. Wenzler said he heard cement walk and talking to Murray.

While Wenzler was watching the men Murray jumped from the cellar to the sidewalk and ran toward Johnson with a pick spoken, he said, Murray raised the weapon not use the point of the pick, but struck was said by witnesses that Murray landed and stood watching his victim for two or three minutes. Other employes were asless. Murray later walked from the place The foreman in charge of the men digging the cellar at once telephoned the pofied. The ambulance took the injured man clined to discuss the affair. One of them. James Pittman, an old colored man, said that he was not looking for Johnson and son was obdurate, and then turned his attention to Murray, who was working near nettled Johnson, who retorted with a flow his shovel and walked toward the sidewalk, where he found a pick and struck None of the workmen knew anything re-It was said that he

tallied with the description given of the cancy.

recently from women on the North Side. He had a letter of recommendation from a Louisville photographer in a pocket. Murray, the man who committed the deed, is about forty-two years old. His employer could not tell where he lived, but it is thought he has been boarding on North Missouri street, near Fourteenth. He is not married. Dr. Jobes, superintendent at the City Hospital, performed the operation on Johnson. When taken to the hospital Johnson's head was terribly crushed. The front-al bones were fractured and the break continued to the base of the skull. The physicians succeeded in picking out a number of small pieces of the skull to alleviate the brain pressure.

WORLD'S FAIR EMBLEM.

Design of an Iowan Chosen by the

St. Louis Show Managers.

ST. LOUIS, Mo., Nov. 25 .- The contest for the design to be adopted as the official emblem of the Louisiana Purchase Exposition was decided to-day. The winner is Mr. Charles Holloway, of Clinton, Ia. The successful design contains five figures. One in the center is a woman representing the Territory of Louisiana. On one side stands Columbia placing around her the American flag. The garments of France have fallen from her and lie at her feet. The colors of the French flag and the fleur-de-lis are plainly recognizable in them. In the background is a coat containing two figures-Progress and Rectitude. In front of Columbia and alongside of Louisiana sits a female figure representing France holding in her lap the treaty of the Louisiana Territory. Draped over her arm is the tri-color of France. She holds in one hand the sword of Municipality.

The border contains four large figures typifying agriculture, commerce, art and science. Upon above are two small figures of Genius and Progress, crowning art and science with a laurel wreath. In the lower corners are two shields, bordered with the colors of rrance and the United States. The color scheme is red, white, blue and yellow, representing the United States, France and Spain.

CASTRO SEEMS FRIENDLY

RELIES ON THE MONROE DOCTRINE TO SAVE VENEZUEDA.

Promises to Adjust Difficulties with Foreigners if Given Time-The Asphalt Controversy.

blow at La Victoria. In spite of superior | should go to the school fund.

shall be able to officially proclaim peace. "Following the declaration of peace, the per cent. of any judgment government will discharge its just obligations and improve its condition and re- served for his own fee. The firms of organize the fiscal system of the country. Every effort will be made to attract foreign capital, which is needed to exploit the rich agricultural, commercial and industrial re- Fort Wayne, will each receive 5 per cent. sources of Venezuela. We trust the United States will participate in this exploitation. There will be ample guarantees for the se- of each firm will be approximately \$50,000. curity of funds invested.

"Venezuela entertains cordial and sympa-thetic friendship for the United States and desires the closest relation with the United States, which has already signally opposed the aggression of foreign powers. The government is confident, convinced of the justice of our cause, the United States will render Venezuela assistance in her future difficulties. Well supported and well applied, the Monroe doctrine is of the greatmotto of the United States should be accepted by the pan-American nations which should be bound in indissoluble ties of comity and friendship. Questions with European governments can be settled amicably if they have the same desire for friendly relations. We, the Venezuelan people, united, patriotic and courageous, any attempt to infringe our sovereignty, or invade our territory

"The government will not interfere in the asphalt or other similar cases. They will be settled in the light of the law, and according to the facts. Venezuela will

RECENT ARMY ORDERS.

Leaves of Absence and Assignment of

Officers to New Duties. W. Price, fourth class, Military Academy, of irregularity and insufficiency of record. has been honorably discharged from the service of the United States by reason of physical disability, incurred in the line of

Major Isaac W. Littell, quartermaster, has been ordered to assume temporary charge of the general depot of the quartermaster's department at New York city. Leaves of absence have been granted as follows: Captain Philip R. Ward, Artillery Corps, one month's extension; Contract Surgeon George L. Cable, one month's extension; Major Edward E. Hardin, Seventh Infantry, two months; Captain John C. Waterman, Seventh Cavalry, two months' extension; Major William H. Baldwin, one month's extension; Captain Robert W. Dowdy, Twenty-second Infantry, two months' extension. First Lieutenant C. G. Bunker, Artillery

Corps, has been ordered to the general hospital, Washington barracks, for surgical treatment. Captain John R. Lynch, paymaster at Omaha, has been ordered to urgent temporary duty at St. Paul, Minn. First Lieutenants Frank R. Lang. Ninth Infantry, and Guy S. Norvell, Eighth Cavalry, have been relieved from recruiting duty and ordered to join their regi-

First Lieutenant S. M. English, Artillery

Corps, at San Francisco, has been ordered to recruiting duty at Joplin and Springfield, Mo., to relieve First Lieutenant James Justice, Twenty-second Infantry, who is ordered to join his regiment. First Lieutenant Joseph F. Gohn, Fourteenth Infantry, at Boston, has ordered to recruiting duty at New Haven, Conn., relieving Major Henry B. Moon. Tenth Infantry, who is ordered to join his

First Lleutenant Frank B. Edwards, Ar-

tillery Corps, at Knoxville, Tenn., has been ordered to recruiting duty at Little Rock. Ark., to relieve Captain H. O. Williams, Fourth Infantry, who is ordered to join his Second Lieutenant J. C. Ohnstad, Artillery Corps, has been placed in charge of the recruiting station at New Orleans, relieving Captain Lutz Wahl, Twenty-first Infantry, who will join his regiment. Second Lieutenant B. H. Kerfoot, Artillery Corps, at New York city, has been ordered to recruiting duty at Omaha, Neb., to relieve Captain H. N. Royden, Twentysixth Infantry, who will join his regi-

Captain Robert W. Rose, Twenty-first Infantry, has been relieved from recruiting duty at Richmond, Va., and ordered to join his regiment Assistant Paymaster H. De F. Mel has been ordered to the Wyoming. Warrant Machinists F. C. Lutz and C. H. Hosung to the Newark. the naval training station, San Francisco.

Warrant Machinist J. A. Hickey from the Boston to the naval hospital, Mare island, Cal., for treatment. Brig. Gen. Charles C. Hood has been retired at his own request. His successor will not be appointed until after Congress meets. There is an impression in military circles that Col. H. C. Hasbrouck, artiller

negro who has been grabbing pocketbooks

VANDALIA RAILROAD MUST PAY JUDGMENT OF \$1,028,143.

Decision of Supreme Court Terminates Litigation in Indiana Which

Covered a Quarter of a Century.

RICH FEES FOR ATTORNEYS

FORMER ATTORNEY GENERAL'S SHARE MORE THAN \$100,000.

Hawkins & Smith, Ferdinand Winter and Robert S. Taylor Will Di-

UPHELD

vide About \$150,000.

ROAD MUST PAY THE STATE ITS SURPLUS PROFITS.

Opinion Written by Judge Hadley Exhaustively Reviews Legal Battle -Opinion in Detail.

After a desperately-fought legal battle covering a period of more than a quarter of a century the State has won its sult against the Vandalia Railroad. The corporation, by the decision of the Supreme Court rendered yesterday, must pay into the treasury of Indiana a sum amounting to more than one million dollars in principal and interest which the court finds is due the State by the act of 1847, which provided that after the stockholders should receive as dividends an amount equal to the sum invested and 10 per cent. per annum, the Legislature might then regu-CARACAS, Venezuela, Nov. 25 .- Presi- late the tolls, and all net profits thereafter, dent Castro, in an interview last Saturday, above a sum sufficient to pay an annual said: "The revolution received its death | dividend to the stockholders of 15 per cent.,

numbers the rebels were defeated and their | The Vandalia must pay a judgment of principal leader was compelled to seek \$913,905 with interest at 6 per cent. Princirefuge in a foreign land. The remnants of | pal and interest, the judgment amounts to his forces under arms are unable to sup- \$1,028,143. Of this amount William A. port each other and are being closely pur- Ketcham, attorney general from 1895 to sued. I receive news daily of the disin- 1899, will receive, according to an act of tegration of Matos followers. A campaign | the Legislature which was passed before has been inaugurated against Barcelona his last term of olice expired, 10 per cent. and Ciudad Bolivar by a strong and sea- or \$102,814.30. Heavy fees will also be paid soned army, which assures its success. The to three law firms which assisted the exbattle of La Victoria was responsible for attorney general in prosecuting the suit this satisfactory situation. It was the most against the Vandalia. The same act of stubbornly contested combat of my career. the Legislature authorized the attorney By the first of January I am confident I general to pay not exceeding 15 addition to the 10 per cent. re-Hawkins & Smith and Ferdinand Winter, of Indianapolis, and Robert S. Taylor, of of this amount, it is supposed, and the fee The exact amount which will go to the State for the school fund, providing the decision is not reversed by the Supreme Court of the United States on appeal, is

CONTRACT NOT KEPT.

The litigation over the claim made by the State that the road should pay into the treasury a sum representing accrued profits above the amount specified in the act of 1847 began in 1872, when the prosecuting attorney of Putnam county began quo warranto proceedings. The suit was shifted to Owen county and dragged for a few years, and in 1875 the railroad and the State agreed form a force which will tenaciously resist | that a suit should be brought in the Marion county Superior Court to determine whether any money was due the State. Under this agreement the attorney general brought suit in 1875. The State sued for money due the school fund and to recover money paid to the railroad company for transporting troops and munitions of war. The Vandalia entered demurrers on the ground of insufficient facts, and the demurrers were sustained. Next the case went to the Supreme Court and the Marion Su-WASHINGTON, Nov. 25 .- Cadet Wesley perior Court was sustained on the ground The case rested for a few years, and then the fight was taken by the State into the Legislature. A law was framed which required the company to account to the Legislature according to the charter. The amounts spent in construction and operation from 1847 to 1873, with the earned in that time, were required to be shown. Another act of the same year required the company to make an accounting for the common schools, and gave the attorney general authority to bring sult against the company because of its failure to account. The victory in the Legislature was only won by the State after a series of failures. The Vandalia paid no attention to the legislative enactment, and in April, 1897, the attorney general sued the Vandalia in the Marion county Superior Court. The demurrers of the company were not sustained, and its final answer was also thrown out. Then the case was given to Noble C. Butler, master commissioner, who heard

the evidence and prepared a report to the court. After exceptions had been filed by both sides the issue was settled in the Superior Court by a decision in favor of the State for a judgment of \$913,905. The suit brought was for \$3,000,000. END OF THE BATTLE.

The final step in the battle was taken by the Vandalia when it appealed to the Supreme Court, the appeal being known as the Terre Haute & Indianapolis Railroad Company vs. State ex rel. William A. Ketcham, attorney general.

The opinion handed down yesterday by the Supreme Court was written by Judge Hadley and is exhaustive and voluminous. Forty-nine pages, typewritten, cover the law, the evidence, the comments and the decision proper. A concurring and dissenting opinion was handed down by Judge Jordan. holding that the federal taxes paid by the road should have been deducted from the amount recovered. He says also that if the Legislature of 1897 attempted to increase the liabilities of the company or in any way to change the obligations under the charter of 1847 it is invalid. The rights of the parties to the agreement must be determined under the contract of 1847, Judge Jordan holds, the same as if no legislation had been enacted in 1897. The decision of the court, finding for the

State, is based largely upon the construc-

tion of that section of the contract of 1847

upon which suit was brought by the State. The section is as follows: 'That when the aggregate amount of dividends declared shall amount to the full sum invested and 10 per centum per annum thereon, the Legislature may so regulate the tolls and freights that not more than Warrant Machinist W. J. Powell from 15 per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving (reserving) such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of the state for the use of common schools but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of 15 per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the Legislature. if required, with a correct statement of the ount of expenditures and the amount of